

# FINAL



## WEARE BOARD OF SELECTMEN CALL-IN PROGRAM MINUTES March 12, 2007

**PRESENT:** HELEEN KURK, CHAIRMAN; JOSEPH M. FIALA, VICE CHAIRMAN; SELECTMAN; TOM CLOW, SELECTMAN; CRAIG SLATTUM, SELECTMAN

**TOWN ADMINISTRATOR:** Fred Ventresco

**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** Tina Pelletier, Malcolm Wright, Stephen Najjar, Chris Hague, Ginger Esenwine, Forrest Esenwine, Paul Morin, Richard Butt, Judy Rogers, Chief Richards, Frank Campana

Chairman Kurk informed the public the Board just held an informal coffee hour and is now going to hold a call in show for any questions residents might have about the ballot.

Mr. Carl Knapp said a question he has been asked frequently since the town mailer went out has been regarding the tax impact of the operating budget. Mr. Knapp said people have been asking him if their taxes were going to increase by \$2.08 per thousand if the operating budget passes. Mr. Knapp has answered them "no" if the operating budget passes the anticipated tax increase for that article would be about \$0.25 per thousand. Chairman Kurk said this is just an estimate. Mr. Knapp said he wanted to make sure the public was clear.

*Question concerning Article 34 and Article 35 – What rights will the town give up? Why can't the Conservation Commission oversee the properties? Can the properties be transferred?*

Mr. Steve Najjar said in regards to Article 34, the Conservation Commission has been working with the Oliphant's and PWA to get town funding and private funding to purchase this land and add it to the Chevy Hill Forest and obtain an easement. Mr. Najjar said the individuals donating towards this land purchase are doing so to see the land preserved permanently. There are conditions in the conservation easement the town agrees to; no building, forest management, agree to a set of rights to give up ensuring it benefits conservation value of the land.

Mr. Najjar said in terms of Article 35 this gives authorization for the Selectmen and Conservation Commission to obtain easements without going to the voters. Chairman Kurk said the BOS can sell up to 5 acres without going to a vote. Mr. Najjar said the article allows the BOS and the Conservation Commission to enter into Conservation Easement with PWA which really stops the town from any future building and development. Easements can be tailored with specific details, some allow the use of ATVs and some don't, whether or not hiking, hunting, and fishing are allowed, parking, timber harvesting, managing fields, these all have to be described in the easement to be allowed. Mr. Najjar said the town is not giving away any rights and no one else is managing town land, the land trust only enforces what the town agrees to in the easement. Chairman Kurk said the Trust really executes what the town agrees to. Mr. Najjar agreed and said you have to describe in the easement any land that you would like to reserve for future use. Mr. Najjar said the Oliphant property Conservation Easement has not been developed yet. It was discussed there is no motorized transportation in the permitted in the Chevy Hill Easement. Mr. Najjar said as the easement is being developed things need to be specified such as; any gravelling permitted, or timber harvesting permitted. Selectman Slattum asked if the

## FINAL

easement could be changed 30-40 years from now say if gravel was found. Mr. Najjar said no, it should all be written up front. Selectman Clow asked if the easement could be sold or transferred for development. Mr. Najjar said absolutely not, cannot be developed or development rights be sold. Mr. Najjar said the Forrest Society and PWA are great resources for easement information or log onto [conservation@weare.nh.gov](mailto:conservation@weare.nh.gov) for further information on easements.

### *Question concerning Article 4.*

Mr. Frank Campana said if you read Article 4, section 34.4, there is no explanation. Mr. Campana said the article refers to signs attached to utility poles, rocks or natural landscape not being permitted. Mr. Campana asked as a citizen why would he vote for an article that does not allow him to put up a sign for a yard sale, maple syrup, a political sign to cite some examples. Chairman Kurk said this article is repealed after one year. Mr. Campana said he is not one to take a chance on this article.

Mr. Paul Morin said Mr. Campana brings up good points. Mr. Morin said the Planning Board does support the article but it was not unanimous. Mr. Morin said the items Mr. Campana cited such as the signs attached to utility poles, rocks or natural landscapes would be prohibited under this ordinance. Mr. Morin said this is a one year article, a good ordinance requires more development and that's why it is only one year.

Selectman Clow said the intent was not to prohibit a yard sale sign or sign that is only up for a few days, the intent is to stop signs from blooming before they can get control of this. Selectman Clow said the Planning Board felt something had to be done now but didn't have time to address everything and they are working with the Economical Development Committee to put together a more comprehensive sign ordinance. Selectman Clow said this ordinance is to only keep things under control and is mostly aimed towards electronic flashing signs. Mr. Campana said the electronic signs are described separately. Mr. Campana said the article is very poorly done. Selectman Clow said ideally it should have come from the Economic Development Committee but because of time frame it didn't happen.

Mr. Forrest Esenwine commented on the sign ordinance as well and said it is too restrictive. Mr. Esenwine said he sees no reason why these electronic signs won't go up all over town before a new ordinance is developed. Selectman Clow said they hope to have a sign ordinance developed through the Economic Development Committee in place for April 2, 2008. Chairman Kurk said the Economic Development Committee did hold a public hearing at the Town Hall where people attended who mostly had business interests. Mr. Esenwine said there is a sign ordinance in effect that limits size and placement if he remembers correctly. Mr. Esenwine said he is afraid some people could be hurt from a business standpoint within this one year and said a bad ordinance is worse than no ordinance. Selectman Clow said that Mr. Morin started from Goffstown and took pictures all along Route 114 of all signs. Selectman Clow said the process started with a much longer and more restrictive draft ordinance than you see in front of you. This ordinance will not restrict a business from putting up a sign but does restrict where the light comes from. Mr. Esenwine said he feels this kind of restriction is out of line. Mr. Esenwine said the ordinance prohibits the changing of letters on signs such as at the gas station and said the sign at the Town Hall will have to go because of the changing letters.

Mr. Butt agrees this is a bad ordinance and commented there was negative input at the Public Hearing held by the Economic Development Committee and the Committee felt it needed more public input. Mr. Butt asked if the Code Enforcement Officer was involved and aware of the situation. Vice Chairman Fiala said he was at the meeting and he is aware he will be the sign police. Selectman Clow said that is why we vote and if the majority of the town feels the same then it won't pass. Selectman Clow said it was too bad they did not have this kind of input when the ordinance was being developed.

Mr. Butt thanked Malcolm Wright for the cover design for the Town Report.

### *Question on line item 4 in the default budget concerning the Avitar contract.*

## FINAL

Mr. Butt said he was under the impression the majority of the work for the reevaluation was done by Avitar and should now be on a maintenance mode. Mr. Butt said he thought the agreement with Avitar is they would come in and look at any abatements that were requested and thought the contractual obligation for Avitar should be around \$40,000. Mr. Butt said he needs clarification on what the default for Avitar is because he feels the \$101,000 is way too much. The Board said there is \$41,200 in the default for Avitar; it is contractual and should be in the default budget. The \$101,000 in the default budget is for the whole Assessing Department. Mr. Butt said last year there was \$285,000 and in doing the math it should come out to \$54,000. Chairman Kurk asked if there was another way to put the Assessing Department in the budget. Mr. Ventresco said it was all put into one line. Mr. Butt asked if the \$101,000 is the correct amount that should be in the default budget and included in this number is the salary for the Assessing person, including benefits along with \$41,200 for the Avitar contract. Mr. Butt said it looks confusing in the budget.

*Question concerning Article 2, Zoning going to a minimum lot size of 5 acres, when would this take effect?*

Mr. Morin said whenever a zoning article is posted it is already in effect and if it did not pass then would not be in effect. The caller has 10 acres, with 3 acres being across the street; he was told to merge the lots together and is concerned if the article passes can he sell the 3 acre lot as a buildable lot. Mr. Morin said if he did not merge the 2 lots, then it would not affect him, if he leaves them the way they are then he has 2 separate lots on record and he would be able to build on either.

*Question concerning Article 14, forestry fire truck.*

Mr. Frank Campana said he is not disputing the truck is a 1988 but is questioning the backup information. Mr. Campana said the truck is a 1988 truck but the town has only had it for 6 years. Mr. Campana said the decision was wrong then to purchase the truck and wonders why the information was not included in the backup information saying the town has only had it for 6 years. Mr. Morin said that truck was a gift to the town and was not purchased, they accepted the gift and that is why it has to be in a separate article. Mr. Morin said the CIP Committee does not accept this vehicle in the rotation. Mr. Morin said they decided the best thing for the town is to purchase a new vehicle.

Mr. Butt said given the condition of the vehicle he has faith in Chief Richards that the vehicle is needed and should be replaced. Chief Richards said he went shopping for 3/4 ton trucks, the vehicle they talked about originally is still available; the price has been reduced and would like the Board's approval to purchase the vehicle if the vote passes. Chief Richards said they are looking in the \$37,000 range and will sub out equipping the vehicle. The vehicle owner said he has refused several sales because he needed it to plow his driveway. Chairman Kurk asked how long we have had the donated truck. Chief Richards said they have had the vehicle for 5-6 years and invested \$3,600 into the vehicle. Chief Richards said the new vehicle will be more versatile. Chairman Kurk said Mr. Campana commented on the article stating that the vehicle was a 1988 but not stating that the vehicle has been with the fire department for 6 years. Chief Richards said the current vehicle has suited their purposes and the newer one will be even more user friendly.

Mr. Butt said he supports the article for the Fire Department to have 2 part time employees and said this is a good way for the fire department to make the department more cost friendly by utilizing 2 part time day employees without benefits. Mr. Butt doesn't understand why the Board isn't supporting the article. Mr. Butt said having these people available would help reduce the response time but not eliminate all problems. Mr. Butt said he supports the Fire Department in trying to become full time and said services need to expand to meet the demands in the town associated with growth.

Mr. Najjar said the landowner at 9 Buckley Road petitioned to have their zoning changed from Rural Agriculture to Residential, keeping in mind that RA could change to 5 acres after the vote. Mr. Najjar said this particular parcel of land has wetlands and the biological integrity of the area was not considered. Mr. Najjar

## FINAL

said there is great habitat there, significant wetlands, and as a tax payer more houses means more taxes. Mr. Najjar said in looking at zoning, to take 60 acres and move it into residential does not make sense.

Mr. Morin said the petitioned article to change from RA to R was not casually discussed. Mr. Morin said this particular request took 2 meetings, site walks were done, driving distances were measured and recognized wetlands and steep slopes were taken into consideration. Mr. Morin said the Planning Board was not unanimous in this vote; some felt it did not meet residential zoning. Mr. Morin said there are many abutting properties that are developed as residential lots including the All Seasons Campground.

Mr. Butt spoke regarding the Operating Budget and budget increase of \$34,956 which he feels is misleading. Mr. Butt said even though the voters passed \$156,000 last year he feels some of the obligations that the voters passed were not factored in when describing the increase over last years Operating Budget. Chairman Kurk said it was clear when the warrant articles were voted on it becomes part of the Operating Budget for the following year. Mr. Butt said this is the first year those individual articles have been taken out of the article and it really is a 7.2% increase.

Mr. Butt asked the Board about the expenditure of \$185,000 for the reevaluation being taken out of the budget because it was one time expenditure. Chairman Kurk said that one time expenditure was deducted from this year's Operating Budget before they started working on it. The Board says there is a \$134,000 increase and asked if the \$185,000 hasn't been reallocated in the budget somewhere else. Ms. Tina Pelletier said the articles that passed last year go into this year's Operating Budget. The prior year's budget was \$6,801,330.00 once it is voted on it becomes the Operating Budget and this includes the Capital Reserve. Mr. Butt said when drawing the comparisons from Operating Budget to Operating Budget it does not compute because of the articles that passed.

Vice Chairman Fiala said they did try to keep the mailer simple and feels the numbers they provided were very realistic. Mr. Butt said there are different ways to promote and feel the Board opted not to use the numbers for the increase for the Operating Budget. Mr. Butt said when you compare the 2 numbers there is a significant difference. Selectman Clow said they were trying to show the piece they had control over and were not trying to mislead anyone. Mr. Butt said it is misleading with those obligations not factored in. Vice Chairman Fiala said it is challenging to write the articles. Mr. Butt said technically there is one difference which is the dollar amount that appears on the warrant article. Mr. Butt used Police Officers as an example and how the Board only uses a certain amount of months not the whole year. Mr. Butt said he does understand but there is a dollar difference, and if you're going to do it then you really should do the whole year.

Selectman Clow said he feels the tax rate comparison is very clear, the revenues are just estimates and they were very conservative. Selectman Clow said the tax rate for 2007 is \$2.98 and was \$2.76 for 2006. Selectman Clow said the actual increase of 7.6% is an estimate and he hopes it will be lower than \$2.98 because of the conservative estimates they used for revenues.

*Question concerning Article 9. When the Planning Board is considering articles don't they get input from the Conservation Commission?*

Mr. Najjar said that is not always the case, the Conservation Commission doesn't always have time to take a position, in this case they did not. The Conservation Commission does interact but the Planning Board is the one who gets to support or not support an article. Selectman Clow said these are 2 petitioned articles which were pretty well developed. Selectman Clow said the petitioned article for Buckley road was not decided on right away; he did vote for the article. Selectman Clow there were many factors to consider, conforming to soil tables, the contours of the land and the wetlands. Selectman Clow said whether it was rezoned or not the difference would be about 2 houses. Selectman Clow said he was not voting against the Conservation Commission. Mr. Najjar said this is a citizen changing a large parcel of land for personal benefit and just

## FINAL

doesn't feel it was well thought out. Selectman Clow said if the article on the 5 acre minimum does not pass then the landowner of this land could look at it as subdividable to 2 acre lots. Mr. Najjar said the landowner would have to build a new road.

*Question concerning Article 40. Why do the Selectmen think the position of Police Chief should be appointed she feels the voters should have the choice, not a few Selectmen.* Chief Begin responded that the BOS did not take a position on this article, leaving the decision completely to the voters.

*Question concerning Article 23. Why did the Selectmen not recommend the per diem EMTs because she feels it is important that they are here during the day when needed?*

Selectman Slattum said they tried to prioritize the articles and the Board feels sometime down the road this would be needed but at this particular time the BOS was asking for a small increase. Vice Chairman Fiala said they can't do everything to support every department and likes the town to vote on public safety issues. Vice Chairman Fiala said he did support the police officers this year and supported the fire department last year concerning insurance. Vice Chairman Fiala feels resources need to be put towards other departments as well, like highway. Selectman Clow said they had to go on a matter of priorities and public safety is important but by priority he means where the spending will be going this year. Vice Chairman Fiala feels the police contract is an important piece and keeping the Capital Improvement Plan on schedule is very important, so it is not a matter of being for or against extra fire support but putting their weight in different places.

Mr. Malcolm Wright asked the Board what Article 36 will cost the town. Chairman Kurk said it will continue to cost the town the same. Mr. Wright said this costs the town \$2,500 a year just for utilities. Vice Chairman Fiala said the building does belong to the town and we have to take care of it. Mr. Wright said the article is misleading and feels they paraphrased the old article so voters don't know what they are voting on. Chairman Kurk said the building is owned by the town and if the Weare Historical Society did not occupy the building then the town would still have to maintain the building. Mr. Wright said he cares deeply about what the Weare Historical Society stands for and does not understand why the BOS has not informed the voters what they are voting on. Chairman Kurk said she feels this article is well overdue and been pushed away by prior Boards. Chairman Kurk said what the Board was attempting to do was taking care of something that should have been done a long time ago. Vice Chairman Fiala said they went through several drafts and went with what the lawyer said. Vice Chairman Fiala said all the article said was that the Weare Historical Society could use the building. Mr. Wright agrees this is long and coming and feels the original article should be reversed but feels the new article does not explain to the voters what the cost is going to be. Chairman Kurk said the cost is what the town has been bearing for the past 25 years. Mr. Wright said the Weare Historical Society has not been paying the bills. Chairman Kurk said the town of Weare has been paying the bills for 25 years and you cannot leave the building unheated. Mr. Wright feels you don't have to heat the building. Mr. Ventresco said it cost the town \$2,500 to heat for the Stone Memorial Building. Mr. Ventresco said when the attorney crafted the article she had the original article and asked about the situation and that is the article the attorney came up with.

Mr. Frank Campana spoke concerning the Operating Budget backup information on page 12. Mr. Campana is not questioning the numbers \$135,000/3.5% but the fact that doesn't really spell the bottom-line or the whole picture. Mr. Campana feels this was very craftily done and an easy way to sell a budget. Mr. Campana said there really is about a \$300,000 increase from last year, which leads to a \$.33 increase from last year. After including the items the town voted to adopt last year that must be included in this years budget it leaves you hanging – the numbers are not included in the default budget. The bottom-line that the tax payers should know is the increase of the \$300,000/\$.33 impact. Mr. Campana suggests to the Board when they set the tax rate at the end of the year they will have to return \$118,000 to the taxpayers because \$.33 is the true increase, but the Selectmen are portraying \$.15 as the increase. Chairman Kurk asked Mr. Campana how he would account for the articles that passed last year. Mr. Campana said by comparing last years budget that was voted on and the

## **FINAL**

approved warrant articles. Vice Chairman Fiala feels they gave the most accurate increases. Mr. Campana said the tax rate is based on a \$300,000 increase. Mr. Campana would have liked the number of the articles totaled that were voted on last year included.

Selectman Clow said the tax rate with all their estimates looks at a \$.22 increase no matter how you look at it. Selectman Clow said if you go through all the articles recommended by the Board the tax rate totals \$2.98 for 2007 compared to \$2.76 last year and feels they were conservative with the estimations. Selectman Clow said this is an accurate figure and they are not trying to disguise anything.

Chairman Kurk thanked Mr. Malcolm Wright again for all his work on the cover of the Town Report. Chairman Kurk thanked Ms. Tina Pelletier and Mr. Fred Ventresco for all their efforts towards the budget. Chairman Kurk thanked Selectman Slattum for all his time and efforts as interim Selectmen.

## **ADJOURNMENT at 9:00 p.m.**

A True Record.

---

Cherry Palmisano, Recording Secretary